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Attorneys for the Arizona State Board of Pharmacy

7  
8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

9  
10 In the Matter of

11 **ANTHONY BREEDING**

12 Holder of Pharmacist  
License No. 15856  
For the State of Arizona

Board Case No. 07-0031-PHR

**CONSENT AGREEMENT  
AND ORDER FOR PROBATION**

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14  
15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the  
17 public interest, statutory requirements and the responsibilities of the Arizona State Board  
18 of Pharmacy ("Board") and under A.R.S. §§ 32 1901, *et. seq.* and 41 1092.07(F)(5),  
19 Anthony Breeding ("Respondent"), holder of Pharmacist License Number 15856 in the  
20 State of Arizona, and the Board enter into the following Recitals, Findings of Fact,  
21 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this  
22 matter.

23 1. Respondent has read and understands this Consent Agreement and has had  
24 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
25 opportunity to discuss this Consent Agreement with an attorney.  
26

1           2.     Respondent understands that he has a right to a public administrative  
2 hearing concerning the above-captioned matter, at which hearing he could present  
3 evidence and cross examine witnesses. By entering into this Consent Agreement,  
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative  
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or  
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7           3.     Respondent affirmatively agrees that this Consent Agreement shall be  
8 irrevocable.

9           4.     Respondent understands that this Consent Agreement or any part of the  
10 agreement may be considered in any future disciplinary action by the Board against him.

11          5.     Respondent understands this Consent Agreement deals with Pharmacist  
12 license number 15856 and allegations of unprofessional conduct against Respondent. The  
13 investigation into these allegations against Respondent shall be concluded upon the  
14 Board's adoption of this Consent Agreement.

15          6.     Respondent understands that this Consent Agreement does not constitute a  
16 dismissal or resolution of any other matters currently pending before the Board, if any,  
17 and does not constitute any waiver, express or implied, of the Board's statutory authority  
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19          7.     Respondent also understands that acceptance of this Consent Agreement  
20 does not preclude any other agency, subdivision, or officer of this State from instituting  
21 any other civil or criminal proceedings with respect to the conduct that is the subject of  
22 this Consent Agreement.

23          8.     All admissions made by the Respondent in this Consent Agreement are  
24 made solely for the final disposition of this matter, and any related administrative pro-  
25 ceedings or civil litigation involving the Board and Respondent. Therefore, any  
26

1 admissions made by Respondent in this Consent Agreement are not intended for any  
2 other use, such as in the context of another regulatory agency's proceedings, or civil or  
3 criminal proceedings, whether in the State of Arizona or in any other state or federal  
4 court.

5 9. Respondent acknowledges and agrees that, upon signing this Consent  
6 Agreement and returning this document to the Board's Executive Director, he may not  
7 revoke his acceptance of the Consent Agreement or make any modifications to the  
8 document regardless of whether the Consent Agreement has been signed by the Execu-  
9 tive Director. Any modification to this original document is ineffective and void unless  
10 mutually agreed by the parties in writing.

11 10. Respondent understands that the Consent Agreement shall not become  
12 effective unless and until adopted by the Board and signed by its Executive Director.

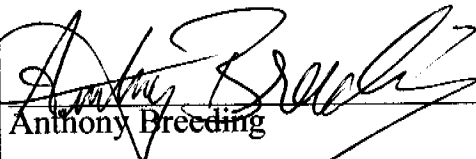
13 11. If a court of competent jurisdiction rules that any part of this Consent  
14 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
15 shall remain in full force and effect.

16 12. Respondent understands and agrees that if the Board does not adopt this  
17 Consent Agreement, he will not assert as a defense that the Board's consideration of this  
18 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

19 13. Respondent understands that this Consent Agreement is a public record that  
20 may be publicly disseminated as a formal action of the Board and may be reported as  
21 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
22 Protection Data Bank.

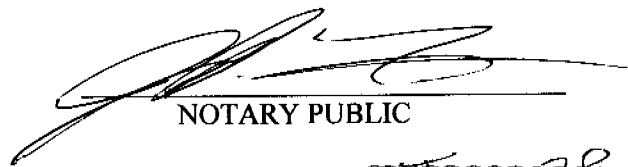
23 14. Respondent understands that any violation of this Consent Agreement  
24 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-  
25 1901.01(B)(20), -1927(A)(1).

1 ACCEPTED AND AGREED BY RESPONDENT

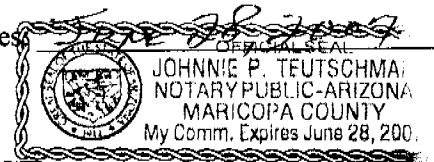
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3   
4 Anthony Breeding

Dated: 1/3/07

5 Subscribed and sworn to before me in the County of MARICOPA, State of ARIZONA,  
6 this 3<sup>rd</sup> day of JANUARY, 2007, by Anthony Breeding.

7  
8   
9 NOTARY PUBLIC

My Commission expires



10  
11 **FINDINGS OF FACT**

12 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted  
13 authority for licensing and regulating pharmacists in the State of Arizona.

14 2. Respondent entered into a Consent Agreement in the state of Iowa on  
15 July 17, 2006, for a restricted license to practice pharmacy as a result of failing to comply  
16 with a previous consent agreement to abstain from drinking alcohol.

17 3. Anthony Breeding applied for licensure as a pharmacy intern with the  
18 Board on August 8, 2006.

19 4. The Board voted to issue a pharmacy intern license to Respondent  
20 upon signing a Consent Agreement to comply with the terms of a PAPA contract.

21 5. The Board issued Pharmacist License number 15856 to Respondent on  
22 November 13, 2006.

23 **CONCLUSIONS OF LAW**

24 1. The Board possesses jurisdiction over the subject matter and over Respond-  
25 ent pursuant to A.R.S. § 32-1901 *et seq.*

1 employment status throughout the term of his probation.

2 D. Respondent shall furnish the Board with a list of all jurisdictions in which  
3 he maintains or has maintained any type of licensure in the profession of pharmacy along  
4 with the registration numbers of said licenses.

5 E. Respondent shall obey all federal and state laws and rules governing the  
6 practice of pharmacy.

7 F. If Respondent violates this order in any way or fails to fulfill the  
8 requirements of this order, the Board, after giving the respondent notice and the  
9 opportunity to be heard, may revoke, suspend or take other disciplinary actions against  
10 the Respondent's license. The issue at such a hearing will be limited solely to whether  
11 this order has been violated.

12 G. Respondent shall appear before the Board at a regularly scheduled Board  
13 meeting on or after September 25, 2011 to request that the probation imposed by this  
14 order be terminated. Respondent's failure to petition the Board to terminate the probation  
15 shall extend the probation period.

16  
17 DATED this 25 day of January, 2007.

18 ARIZONA STATE BOARD OF PHARMACY

19 (Seal)

20  
21 By:



22 HAL WAND, R.Ph.  
23 Executive Director  
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ORIGINAL OF THE FORGOING FILED  
this 25 day of January, 2007, with:

Arizona State Board of Pharmacy  
4425 W. Olive Avenue, Suite 140  
Glendale, Arizona 85302

EXECUTED COPY OF THE FOREGOING MAILED  
BY CERTIFIED MAIL  
this 25 day of January, 2007, to:

Anthony Breeding  
2273 E. North Lane  
Phoenix, AZ 85028

EXECUTED COPY OF THE FOREGOING MAILED  
this 25 day of January, 2007, to:

Dawn Walton Lee  
Assistant Attorney General  
1275 W. Washington Street, CIV/LES  
Phoenix, Arizona 85007

Sally Palmer 01-25-2007  
482765